

REMARKS

In the **non-final** Office Action mailed September 14, 2009, the Office noted that claims 1-18, 20-53 and 60-62 were pending, rejected claims 1-18, 20-26, 33-37, 39-45, 49-53, 60 and 61, the remaining claims cancelled or withdrawn. In this amendment, claims 1 and 49 have been amended, and, thus, in view of the foregoing, claims 1-18, 20-53, and 60-62 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claim 49 stands objected to for informalities. In particular, the Office asserts that the claims include spelling and grammatical errors. The Applicant has amended the claim to overcome the rejection.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 1 and 49 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant has amended the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2, 4-6, 14-18, 20-26, 33-36, 40, 41, 49, 60 and 61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lehman, U.S. Patent No. 5,474,314. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Lehman discusses a conveyance that comprises wheels and shafts and is ridden in the manner of a snowboard.

Claim 1 has been amended to recite "a foot supporting member, the foot supporting member including, or including provision for attachment of, at least two axle assemblies, said axle assemblies adapted to receive rotational motion-facilitating means, the personal conveyance characterised by the motion-facilitating means being positioned relative to the foot supporting member such that at least a portion of the motion-facilitating means extends in a vertical plane above and perpendicular to a receiving side of the foot supporting member, the foot supporting member oriented horizontally, ***the foot supporting member having a wall extending outwardly from the receiving side thereof, the wall extending about the periphery of the foot supporting member,*** both a wheelbase of the motion-facilitating means and the contact between wheels and the surface on which the conveyance is being used in a manner whereby

stability is effected of either or both the personal conveyance and a person standing thereon." (Emphasis added) Support for the amendment may be found, for example, in claim Fig. 12 and ¶ 0118 of the printed publication version of the Specification.

The Applicant acknowledges element 32 in Fig. 1 of Lehman. However, Lehman fails to show an outwardly extending wall around ***the periphery*** of the supporting member.

Claims 1, 60 and 61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Buss, U.S. Patent No. 3,953,041. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

As discussed above, claim 1 has been amended. Buss fails to show an outwardly extending wall around the periphery of the supporting member.

For at least the reasons discussed above, claims 1 and the claims dependent therefrom are not anticipated by Hodson.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 7-9 and 37 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lehman in view of Wyndham, U.S. Patent No. 1,768,228. The Applicant respectfully disagrees and traverses the rejection with an argument.

Wyndham adds nothing to the deficiencies of Lehman as applied against the independent claims. Therefore, Lehman and

Wyndham, taken separately or in combination, fail to render obvious the features of claims 7-9 and 37.

Claims 10-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lehman in view of Wyndham in view of Hosoda, U.S. Patent No. 5,975,229. The Applicant respectfully disagrees and traverses the rejection with an argument.

Hosoda adds nothing to the deficiencies of Lehman and Wyndham as applied against the claim 9. Therefore, Lehman, Wyndham and Hosoda, taken separately or in combination, fail to render obvious the features of claims 10-13.

Claims 3, 39, 50, 51 and 53 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lehman in view of Chao, U.S. Patent No. 4,951,958. The Applicant respectfully disagrees and traverses the rejection with an argument.

Chao adds nothing to the deficiencies of Lehman as applied against the independent claims. Therefore, Lehman and Chao, taken separately or in combination, fail to render obvious the features of claims 3, 39, 50, 51 and 53.

Claims 42-45 and 52 stand rejected under 35 U.S.C. § 103(a) as being obvious over Lehman in view of Tuan, U.S. Patent Publication No. 2003/0057670. The Applicant respectfully disagrees and traverses the rejection with an argument.

Tuan adds nothing to the deficiencies of Lehman as applied against the independent claims. Therefore, Lehman and Tuan, taken separately or in combination, fail to render obvious

the features of claims 42-45 and 52.

Withdrawal of the rejections is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112, 102 and 103. It is also submitted that claims 1-18, 20-53, and 60-62 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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